



Dkt. 0763/74768-AA/JPW/GJG/JRM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham et al.  
Serial No. : 10/759,841 Examiner: Whiteman, Brian A.  
Filed : January 15, 2004 Art Unit: 1635  
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

1185 Avenue of the Americas  
New York, New York 10036  
January 25, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, applicants direct the Examiner's attention to the following references which are listed on the Substitute Form PTO-1449 attached hereto as Exhibit A:

1. Partial European Search Report issued November 2, 2007 in connection with European Patent Application No. 07008204.5 and;
2. Que, Q., et al., (1998) "Distinct Patterns Of Pigment Suppression Are Produced By Allelic Sense And Antisense Chalcone Synthase Transgenes In Petunia Flowers" *The Plant Journal* 13:401-409.

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Applicants : Michael Wayne Graham et al.  
Serial No. : 10/759,841  
Filed : January 15, 2004  
Page 2 of 5 of January 25, 2008 Supplemental Information  
Disclosure Statement

The Examiner is respectfully requested to make these references of record in the present application by initialing and returning a copy of the enclosed Substitute Form PTO-1449.

With the exception of reference 2, each of the references cited in the Partial European Search Report has been previously disclosed in the subject application.

Specifically, applicants note that each of Fire, A., et al., (1998) "Potent And Specific Genetic Interference By Double-Stranded RNA In *Caenorhabditis Elegans*" *Nature* 391:806-811, Assad, F.F., et al., (1993) "Epigenetic Repeat-Induced Gene Silencing (RIGS) In *Arabidopsis*" *Plant Molecular Biology* 22:1067-1085, Hamilton, A.J., et al., (1998) " A Transgene With Repeat DNA Causes High Frequency, Post-Transcriptional Suppression Of ACC-Oxidase Gene Expression In Tomato" *The Plant Journal* 15:737-746, Stam, M., et al., (1997) "The Silence Of Genes In Transgenic Plants" *Annals of Botany* 79:3-12, Dorer, D.R., and Henikoff, S. (1997) "Transgene Repeat Arrays Interact With Distant Heterochromatin And Cause Silencing In *cis* And *trans*" *Genetics* 147:1181-1190, Dorer, D.R., et al., (1994) "Expansions Of Transgene Repeats Cause Heterochromatin Formation And Gene Silencing In *Drosophila*" *Cell* 77:993-1002, PCT International Publication No. WO 99/32619, published July 1, 1999, Que, Q., et al., (1998) "Homology-Based Control Of Gene Expression Patterns In Transgenic *Petunia* Flowers" *Developmental Genetics* 22:100-109, Grant, S.R. (1999) "Dissecting The Mechanism Of Posttranscriptional Gene Silencing: Divide And Conquer" *Cell* 96:303-306, Fire, A. (1999) "RNA-Triggered Gene Silencing" *Trends in Genetics* 15:358-363, and PCT International Publication No. WO 98/53083, published November 26, 1998, as

Applicants : Michael Wayne Graham et al.  
Serial No. : 10/759,841  
Filed : January 15, 2004  
Page 3 of 5 of January 25, 2008 Supplemental Information  
Disclosure Statement

cited in the enclosed Partial European Search Report was previously disclosed in connection with the subject application in an Information Disclosure Statement submitted January 15, 2004.

Applicants note that each of U.S. Patent No. 5,272,065, issued December 21, 1993, to Inouye et al., and Fire, A., et al., (1991) "Production Of Antisense RNA Leads To Effective And Specific Inhibition Of Gene Expression In *C. Elegans* Muscle" *Development* 113:503-514 were previously disclosed in connection with the subject application in an Information Disclosure Statement submitted February 11, 2005.

Applicants note that Timmons, L., and Fire, A. (1998) "Specific Interference By Ingested dsRNA" *Nature* 395:854 and Montgomery, M.K., and Fire, A. (1998) "Double-Stranded RNA As A Mediator In Sequence-Specific Genetic Silencing And Co-Suppression" *TIG* 14:255-258 as cited in the enclosed Partial European Search Report were previously disclosed in connection with the subject application in an Information Disclosure Statement submitted July 26, 2004.

Applicants note that Wagner, R.W., and Sun, L. "Double-Stranded RNA Poses Puzzle" *Nature* 391:744-745 as cited in the enclosed Partial European Search Report was previously disclosed in connection with the subject application in an Information Disclosure Statement submitted October 25, 2007.

This subject application is a continuation of U.S. Serial No. 10/346,853, filed January 17, 2003. Applicants have submitted copies of references 1 and 2 in connection with U.S. Serial No.

Applicants : Michael Wayne Graham et al.  
Serial No. : 10/759,841  
Filed : January 15, 2004  
Page 4 of 5 of January 25, 2008 Supplemental Information  
Disclosure Statement

10/346,853. Applicants are not submitting a copy of this reference herewith in accordance with 37 C.F.R. §1.98(d).

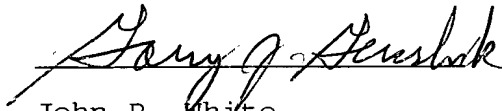
According to 37 C.F.R. §1.97(d) an Information Disclosure Statement filed after the period specified in 37 C.F.R. §1.97(c) shall be considered if accompanied by the fee set forth in the 37 C.F.R. §1.17(p) and a statement under 37 C.F.R. §1.97(e). The required fee set forth in 37 C.F.R. §1.97(p) is one hundred and eighty dollars (\$180.00) and a check including this amount is enclosed. Applicants state that each item of information contained in this information disclosure statement was cited in a November 2, 2007 communication from a foreign patent office in a counterpart foreign application, i.e. not more than three months prior to the filing of this information disclosure statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants : Michael Wayne Graham et al.  
Serial No. : 10/759,841  
Filed : January 15, 2004  
Page 5 of 5 of January 25, 2008 Supplemental Information  
Disclosure Statement

No fee, other than the enclosed fee of \$180.00 is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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# **EXHIBIT A**